

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2004 NB 0196

STATE OF INDIANA, )  
)  
Petitioner, )  
)  
v. )  
)  
MARIAN BETH QUINTON, R.N., )  
LICENSE NUMBER: 28111971, )  
)  
Respondent. )

**FILED**

OCT 20 2004

HEALTH PROFESSIONS  
BUREAU

**COMPLAINT**

The State of Indiana, by counsel, Deputy Attorney General, Laura E. Wilford, on behalf of the Office of the Attorney General ("Petitioner"), and pursuant to Indiana Code § 25-1-7-7, Ind. Code §25-1-5-3, Ind. Code §25-23-1-7 et seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9-1 et seq., files its Complaint against the Registered Nurse license of Marian Beth Quinton, R.N. ("Respondent"), and in support alleges and states:

**FACTS**

1. The Respondent's address on file with the Health Professions Bureau is 4098 South 1000 West, Dunkirk, Indiana 47336 and she is a duly licensed Registered Nurse in the State of Indiana having been issued license number 28111971.

2. On or around August 18, 2003, the Respondent made contact with the Indiana State Nurses Assistance Program ("ISNAP"). Respondent had been referred to ISNAP after she tested positive for Darvocet in a pre-employment drug screen conducted by Bluffton Regional Medical Center.

3. On or around February 12, 2004, the Respondent signed a Recovery Monitoring Agreement ("RMA") with ISNAP.

4. Respondent was employed at Ball Memorial Hospital ("Ball Memorial") from August 4, 2003 to August 6, 2004.

5. On or around August 2, 2004, a proactive diversion report was run on the pharmacy's C-II Safe for the time period of July 26, 2004 through August 1, 2004. The report revealed that the Respondent removed approximately twenty-five (25) doses of medication that were not charted on the patients' medication records. The Respondent was immediately suspended pending an investigation. The Respondent was being monitored due to the Respondent's participation in the ISNAP program and it was noted that the Respondent had been counseled on sloppy charting in the past.

6. On or around August 6, 2004, staff at Ball Memorial confronted the Respondent regarding the results of the investigation. The investigation results through an audit of charted material and Pyxis activity revealed that 8mg injections of Morphine, Hydrocodone 5mg, Acetaminophen 325mg tablets, and possibly other drugs had been diverted by the Respondent. The Respondent denied diverting any substances; however, the Respondent's employment with Ball Memorial was terminated that day.

7. On or around August 10, 2004, the Respondent admitted to ISNAP that she had diverted and used Norco and Morphine from Ball Memorial and as a result Ball Memorial had terminated her employment. She indicated that this had been occurring for over a month, that she had last used August 6, 2004, and that she had experienced withdrawal symptoms over the weekend.

8. On or around September 7, 2004, the Respondent began Intensive Outpatient Treatment scheduled to last for six (6) weeks with Comprehensive Mental Health Services of Muncie.

**COUNT I**

Respondent violated Indiana Code §25-1-9-4(a)(4)(D) in that the Respondent has continued to practice although the Respondent has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing the Respondent's ability to practice safely as evidenced by her pre-employment drug screen conducted by Bluffton Regional Medical Center, and her admitted diversion and use of Norco and Morphine from Ball Memorial Hospital.

**COUNT II**

Respondent violated Indiana Code §25-1-9-4(a)(8)(a) in that the Respondent has diverted a legend drug as evidence by her admitted diversion and use of Norco and Morphine from Ball Memorial Hospital.

**WHEREFORE**, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and;
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Steve Carter,  
Attorney General of Indiana

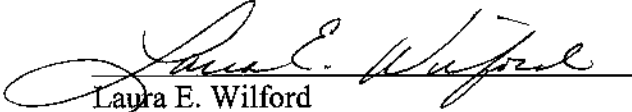
By: *Laura E. Wilford*  
Laura E. Wilford  
Deputy Attorney General  
Attorney No.: 24446-49

LEW/ydh:185554

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United States mail, first-class, postage prepaid, on this 20<sup>th</sup> day of October, 2004.

Marian Beth Quinton, R.N.  
4098 S. 1000 West  
Dunkirk, IN 47336

  
Laura E. Wilford  
Deputy Attorney General

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